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# A COLLECTION OF THE ACTS

PASSED BY THE

# LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE YEARS 1892-93.

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BENGAL SECRETARIAT LIBRARY

# TITLES OF ACTS

PASSED BY THE

# LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE

## YEARS 1892-93.

ACT I OF 1892. An Act to further amend the Village Chaukidari Act, 1870.

ACT I OF 1893. „ for the licensing of Warehouses and the maintenance of a Fire-brigade.

SECRETARIAT LIBRARY

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IN THE

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L. A.—Reg. No. 2980J—2,000—29.9.24.

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# ACT No. I OF 1892.

## PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 4th September*, 1892, *and of the Governor General on the 4th October*, 1892.)

An Act to further amend the Village Chaukidari Act, 1870.

Preamble.

WHEREAS it is expedient to further amend the Village Chaukidari Act, 1870: It is enacted as follows:—

Construction and extent.

1. This Act shall be read with, and taken as part of, Bengal Act VI of 1870, as amended by Bengal Act I of 1871 and Bengal Act I of 1886; and it shall extend to all districts in which the said Act so amended is now or may be hereafter in force.

Definition of "Magistrate" omitted.

"District Magistrate" substituted for "Magistrate of the District" and "Magistrate."

2. (*1*) In section 1, the definition of "Magistrate" shall be omitted.

(*2*) Except as is otherwise provided in this Act, for the words "Magistrate of the District" and for the word "Magistrate," so often as they occur respectively, in the Village Chaukidari Act, 1870, as amended by Bengal Act I of 1871 and Bengal Act I of 1886; the words "District Magistrate" shall be substituted.

(*3*) In section 64, the words "and Magistrates" shall be omitted; and for the words "Magistrates of Districts," the words "District Magistrates" shall be substituted.

3. For section 3, as amended by section 2 of Bengal Act I of 1886, the following shall be substituted:—

"The District Magistrate may—

Appointment of panchayats.

"(*1*) by an order in writing, appoint not less than three nor more than five residents in any village within the district of which he has charge to be the panchayat thereof;

[*Price one anna.*]

or (2) he may, with the previous sanction of the Local Government, direct that the adult male rate-paying residents of any village shall select, according to any rules that may be prescribed by the Local Government and published in the *Calcutta Gazette*, not less than three nor more than five residents of the village to be the panchayat thereof; and the District Magistrate shall, if he approves of the persons so selected, appoint such persons to be the panchayat; but if in his opinion any person so selected is, for reasons to be recorded by him in writing, unfit to be a member of the panchayat, the District Magistrate shall appoint a fit and proper resident to be a member of the panchayat:

Provided that no panchayat shall be appointed in any place to which the Bengal Municipal Act, 1884, has been, or may hereafter be, extended:

Provided also that the Local Government shall be entitled to prescribe that in certain specified local areas, to be notified in the *Calcutta Gazette*, the number of persons to be appointed to discharge the duties of a panchayat may be reduced to one.

4. After section 3 the following section shall be inserted :—

Delegation of powers by the District Magistrate.

"3A. The District Magistrate may from time to time by an order in writing, with the sanction of the Commissioner, delegate his powers under this Act, either wholly or in part, to any Magistrate of the first class subordinate to him, or to any Magistrate in charge of a sub-division or to the District Superintendent of Police; and by a like order, and with the same sanction, may withdraw such delegated powers.

5. For section 4, the following shall be substituted :—

Power to define a village.

"The District Magistrate may, from time to time, by an order in writing under his hand, declare any local area or group of dwellings, within the district of which he has charge, to be a village for the purposes of this Act."

Amendment of section 5.

6. In section 5, the words "or in two or more villages so situate as in section 4 is set forth;" and the words "or villages," so often as they occur in this section, shall be omitted.

7. For section 11, the following shall be substituted:—

Number of chaukidars to be determined by the District Magistrate.

"The District Magistrate shall determine the number of chaukidars to be employed in a village:

Provided that, without the sanction of the Commissioner, there shall not be more than one chaukidar for every sixty houses."

8. For section 12, the following shall be substituted:—

The District Magistrate to determine salaries of chaukidars.

"The salaries of chaukidars appointed shall be determined by the District Magistrate:

Provided that such salaries shall not be less than two nor more than six rupees per mensem."

9. For section 13, the following shall be substituted:—

Salaries to be provided by assessment.

"The panchayat shall impose an assessment yearly in each village equal to the amount required for the pay and equipment of the chaukidars, together with fifteen per cent. above such amount, in order to provide for payment of the expenses of collection and losses from the non-realization of the rate from defaulters."

10. For section 14, the following shall be substituted:—

Persons liable to assessment.

"All owners or occupiers of houses in any village, and any person who has within such village a cutcherry for collecting rents, shall be liable to assessment for the purposes of this Act."

11. For section 35, the following shall be substituted:—

Appointment and dismissal of chaukidar.

"(*1*) The panchayat shall, when a vacancy exists, nominate a person to be a chaukidar under this Act, and the District Magistrate shall, if satisfied with such nomination, appoint such nominee to be chaukidar:

Provided that if the panchayat fail to nominate within a reasonable time a person to be a chaukidar, or the District Magistrate is not satisfied with such nomination, the District Magistrate shall appoint any person he thinks fit to be a chaukidar.

"(2) The District Magistrate, or the panchayat with the sanction of the District Magistrate, may, from time to time, dismiss any chaukidar so appointed."

12. Sections 36 and 37 are hereby repealed.

13. For section 39, the following shall be substituted:—

Duties of chaukidar.

"Every chaukidar appointed under the provisions of this Act shall perform the following duties:—

*1st.*—He shall give immediate information to the officer in charge of the police-station within the limits of which the village is situate of every unnatural, suspicious or sudden death which may occur, and of any offence specified in schedule B which may be committed within his village, and he shall further keep the police informed of all disputes which are likely to lead to any riot or serious affray.

*2nd.*—He shall arrest all proclaimed offenders and any person who in his presence commits any offence specified in schedule B, and any person against whom a hue-and-cry has been raised of his having been concerned in any such offence, whether such offence has been or is being committed within his village or outside of it, and shall, without delay, convey any person so arrested to the said police-station.

*3rd.*—He shall, to the best of his ability, prevent, and may interpose for the purpose of preventing, the commission of any offence specified in the said schedule.

*4th.*—He shall assist private persons in making such arrests as they may lawfully make, and shall report such arrests without delay to the officer in charge of the said police-station.

*5th.*—He shall observe, and, from time to time, report to the officer aforesaid the movements of all bad characters within his village.

*6th.*—He shall report to the officer in charge of such police-station the arrival of suspicious characters in the neighbourhood.

*7th.*—He shall report to the officer aforesaid, in a form signed by one member of the panchayat, the births and deaths, if any, which have occurred within his village at such intervals as the District Magistrate may determine.

*8th.*—He shall report to the officer aforesaid the death or absence for more than two consecutive months of any member of the panchayat.

*9th.*—He shall supply any local information which the District Magistrate or any officer of police may require.

*10th.*—He shall obey the orders of the panchayat in regard to keeping watch within his village and other matters connected with his duties as chaukidar.

*11th.*—He shall assist the person collecting the rate in making such collection."

14. For section 42, the following shall be substituted :—

Fines and penalties to be credited to District Chaukidari Reward Fund.

"All fines and penalties levied under this Act shall be credited to a District Chaukidari Reward Fund, the control over which shall rest with the District Magistrate."

15. In section 43, for the words "or person as the Magistrate shall appoint," the words "as the Local Government may by rules made under this Act prescribe or direct," shall be substituted.

Amendment of section 43.

16. In section 44, for the words "as the Magistrate may appoint," the words "as the Local Government may prescribe or direct," shall be substituted.

Amendment of section 44.

17. For section 46A, the following shall be substituted :—

Appointment of tahsildar.

"The District Magistrate may at any time, on the application of the panchayat of any village, or of his own motion if, in his opinion, the

collection of the rate is badly carried out, or if the chaukidar is not regularly paid, appoint a tahsildar to assist the person collecting the rate; and such tahsildar shall exercise all the powers vested in the panchayat for the collection of the said rate; and the District Magistrate shall, on a like application, and he may of his own motion, revoke such appointment."

18. For section 62, the following shall be substituted—

Powers of the panchayat may be exercised by the District Magistrate.

"All powers vested in the panchayat for the nomination and dismissal of chaukidars and for making the assessments hereinbefore directed to be made may, in case the panchayat, after a notice in writing from the District Magistrate to exercise such powers, or any of them, refuse or, after the lapse of a reasonable time in that behalf, neglect forthwith to exercise the same, be exercised by the District Magistrate.

19. For Schedule B, the following shall be substituted:—

"SCHEDULE B

(referred to in sections 39 and 41).

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Murder, culpable homicide, rape (when the offender is not the husband of the woman raped), dacoity, robbery, theft, mischief by fire, house-breaking, counterfeiting coins, causing grievous hurt, riot, administering stupefying drugs, kidnapping, and all attempts and preparations to commit, and abetments of the said offences."

E J. H.—Reg. No. 621G—2,000—22 10-92.

BENGAL SECRETARIAT LIBRARY

# ACT No. I OF 1893.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

*(Received the assent of the Lieutenant-Governor on the 3rd April, 1893, and of the Governor General on the 17th June, 1893.)*

An Act for the licensing of Warehouses and the maintenance of a Fire-brigade.

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[*Price three annas.*]

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## SCHEDULE.

*An Act for the licensing of Warehouses and the maintenance of a Fire-brigade.*

Preamble.

WHEREAS it is expedient to make provision for the licensing of Warehouses and the maintenance of a Fire-brigade; It is hereby enacted as follows:—

## CHAPTER I.

### *Preliminary.*

Title, application and commencement.

1. (*1*) This Act may be called the Licensed Warehouse and Fire-brigade Act, 1893.

(*2*) It applies to Calcutta, as defined by the Calcutta Municipal Consolidation Act, 1888, and to such portions of the Suburbs thereof as are for the time being subject to the operation of Bengal Act II of 1866; also to the municipality of Howrah and to any other municipality in the neighbourhood of Calcutta or Howrah, to which its provisions may be extended by an order of the Local Government to be published in the Calcutta Gazette.

(*3*) It shall come into force from the date on which it may be published in the Calcutta Gazette, with the assent of the Governor General.

Repeal.

2. (*1*) Act IV of 1883 is hereby repealed:

Saving clause.

(*2*) But all rules, orders, declarations, financial arrangements and appointments made under the said Act and which are now in force, shall be deemed to have been made under this Act, so far as they are not inconsistent with the provisions thereof.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "basti land" means land which the owner lets out for the building of huts, in such manner that the tenant of the land is the owner of the hut: And "hut" includes any structure

erected on such land, whether roofed with tiles or otherwise, and whether constructed with bricks, earth or other materials :

(2) "cotton" means loose raw cotton :

(3) "jute" means raw jute, either loose or in drums, and loose jute-cuttings and rejections :

(4) "Magistrate" means and includes a Presidency Magistrate and a Magistrate of the first class :

(5) "person" includes an undivided Hindu family, a firm or company or association of individuals whether incorporated or not :

(6) "The Commissioner of Police" means the officer vested with the administration of police in the town of Calcutta under the Calcutta Police Act, 1866, and any Act amending the same:

(7) "The Commissioners" mean, in respect of Calcutta, the Corporation of Calcutta ; and in respect of Howrah and the other municipalities to which this Act applies or may hereafter be extended, the Municipal Commissioners of each of the municipalities concerned :

(8) "warehouse" means any building or place used for the storing, or pressing, or keeping of jute, cotton, resin, varnish, pitch, tar, hay, straw, rags, tallow, wood or other inflammable substance or thing for the time being subject to the operation of this Act.

## CHAPTER II.

### *Licensed Warehouses.*

Warehouse not to be used till licensed.

4. From and after the commencement of this Act, no building or place shall be used as a warehouse, unless the owner or occupier thereof shall have previously obtained a license from the Commissioners for such use under this Act.

License of previously licensed building or place.

5. The owner or occupier of any building or place, for which there is in existence at the commencement of this Act a license granted under the Jute Warehouse and Fire-brigade Act of 1872 or

1879, or the Licensed Warehouse and Fire-brigade Act of 1883, shall, upon application in writing to the Chairman of the Commissioners, be entitled to obtain a license from the Commissioners therefor as a warehouse under this Act, subject to the payment to the Commissioners of such annual fee as is hereinafter provided.

License of new warehouse.

6. Any person proposing to use any building or place as a warehouse within the area to which this Act applies or may hereafter be extended, and who, at the commencement of this Act, does not hold such license under any of the said aforementioned previous Acts, shall, with his application for a license therefor, send to the Chairman of the Commissioners a plan in duplicate of such building or place prepared on a scale of 8 feet to the inch, and showing—

(*a*) the boundaries of such building or place;

(*b*) the position of the engines and furnaces used or proposed to be used in the warehouse;

(*c*) the space, if any, which has been reserved for the loading and unloading of carts thereat:

and thereupon it shall be within the discretion of the Chairman of the Commissioners to grant a license from the Commissioners therefor as a warehouse under this Act, subject to the payment to the Commissioners of such annual fee as is hereinafter provided, or to refuse a license for the same:

Provided that when a license is refused, the reason for such refusal shall be recorded in writing.

Period for disposal of application for license.

7. Every application for a license under the last preceding section shall be disposed of within thirty days from the date of its being received by the Chairman of the Commissioners, and if not disposed of within that period, the applicant shall not be liable to any penalties under this Act for the use, after the expiration of the said period of thirty days, of the building or place as a warehouse in respect of which such application shall have been made, so long as such application is not finally refused by an order in writing under the hand of the Chairman of the Commissioners setting forth the grounds for such refusal.

*Section 8.*— "as in *tute* "

8. Licenses under section six of this Act may be granted either permanently or for such term of years as the Chairman of the Commissioners shall think fit, and shall be subject to the following conditions, namely :—

Term and conditions of license.

(*1*) that the warehouse shall at all times be open to the inspection of an officer appointed by the Commissioner of Police. Such officer shall be a member of the Fire-brigade, but shall not be a member of any Police Force :

(*2*) that the annual fee imposed in respect thereof be paid ~~as in that case made and provided~~. in advance

9. (*1*) With the consent of the Chairman of the Commissioners, any Special Committee of the Commissioners, not less than three or more than five in number whom the Commissioners in meeting shall in that behalf appoint, may exercise all or any of the powers and discretion under this Act vested in the Chairman of the Commissioners.

Special Committee may exercise powers of Chairman.

(*2*) The proceedings of such Committee shall not be submitted to the Commissioners in meeting or be subject to revision by them.

10. The annual fee payable in respect of any license shall not exceed ten per centum per annum on the annual value of the warehouse as it is assessed to the payment of the municipal taxes, less ten per centum on the outlay incurred in respect of the means and appliances, therein or appertaining thereto, for preventing or extinguishing fire :

Annual fee of license.

Provided that the annual fee payable by any owner or occupier in respect of any license shall not exceed seven hundred and fifty rupees, and that the estimated total annual amount to be derived from such fees shall not exceed fifty rupees per centum of the amount required to meet the cost of the fire-brigade, as shown in the budget mentioned in section twenty-six of this Act :

Provided also that the owner or occupier of adjacent warehouses and the godowns, yards or compounds auxiliary to such warehouses shall not be bound to take out more than one license in respect of such warehouses, godowns, yards and compounds.

Change in occupation of warehouse to be notified.

11. Whenever and so often as a change in the occupation of any warehouse occurs, the person entering into occupation of the same shall, within two weeks of his so entering into occupation, give notice in writing to the Chairman of the Commissioners of such change of occupation, and shall thereupon pay to the Commissioners a fee of five rupees; and his name shall accordingly be substituted in the license in respect of such warehouse for the name of the last occupier.

Chairman may apply to Magistrate to suspend license of warehouse.

12. (*1*) Whenever the Chairman of the Commissioners receives credible information that any of the conditions, to which the license of any warehouse shall be subject, has been broken by the holder thereof, he may apply in writing, setting forth the substance of such information, to a Magistrate for the issue of a summons upon the holder of the license to show cause why such license should not be cancelled or suspended, and may also apply to such Magistrate to suspend in the meantime such license pending the hearing of the case.

(*2*) The Magistrate shall not make an order suspending such license unless he is satisfied that it is necessary to prevent or obviate immediate danger or injury of a serious kind.

(*3*) The summons issued under this section shall be served upon the said holder of the license named therein in the manner provided in the Code of Criminal Procedure, 1882, for the service of summons.

Magistrate may cancel or suspend license.

13. The Magistrate, before whom the case instituted under the last preceding section is brought on for disposal, may, if after taking evidence he be satisfied that there exist reasonable and proper grounds for cancelling or suspending the license, cancel

such license, or may order the same, for such time as he may think fit, to be suspended, and may impose such conditions as to the reversal of such order of cancelment or suspension as may be consistent with the provisions of this Act for the grant of a license for a warehouse.

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## CHAPTER III.

### *Penalties.*

Penalty for not taking out license.

14. Any person who, without taking out a license, uses any building or place as a warehouse shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty rupees for each day during which he may so use or continue to use such warehouse.

Penalty for using warehouse after refusal, &c., of license.

15. Any person who uses any warehouse in respect of which a license has been refused, or after the license in respect thereof shall have been cancelled, or during the time for which such license shall have been suspended, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred rupees, and to a further penalty not exceeding fifty rupees for every day during which any such warehouse may be so used as aforesaid.

Penalty for breach of conditions of license.

16. Any holder of a license who breaks any of the conditions under which a license is held in respect of any warehouse shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty rupees for any one such offence.

Penalty for neglecting to notify change in occupation of warehouse.

17. If, and so often as there be a change in the occupation of any warehouse, the person entering into occupation fail to give the notice and to pay the fee required by section eleven of this Act, such person shall be liable, on conviction before a Magis-

trate, to a penalty not exceeding ten rupees for each day during which he may so use or continue to use such warehouse.

Penalty for giving false information to Chairman respecting license.

18. Any person who gives false information to the Chairman of the Commissioners with the object of inducing him to take action under section twelve of this Act shall, on conviction before a Magistrate, be liable to a penalty not exceeding fifty rupees.

Penalty for preparing, &c., inflammable substance on roof of building.

19. Any owner or occupier of a warehouse who shall prepare or dry, or cause to be prepared or dried, any inflammable substance or thing, for the time being subject to the operation of this Act, on the top or roof of any building constituting or forming part of such warehouse shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty rupees for any one such offence.

Penalty for using as residence any warehouse used for pressing jute or cotton.

20. Any person who shall use as a residence any portion of a warehouse used for the pressing or screwing of jute or cotton, if jute or cotton be then stored therein, shall be liable, on conviction before a Magistrate, to a penalty not exceeding ten rupees for each day during which he may reside therein.

Penalty for using matches or artificial light in warehouse.

21. Any person who shall bring into a warehouse, used for the pressing or screwing of jute or cotton, if jute or cotton be then stored therein, or use therein, any matches or any artificial light unless duly and thoroughly protected shall be liable, on conviction before a Magistrate, to a penalty not exceeding ten rupees for any one such offence.

Penalty for smoking within warehouse.

22. Any person who shall smoke within a warehouse used for the pressing or screwing of jute or cotton, if jute or cotton be then stored therein, shall be liable, on conviction before a Magistrate, to a penalty not exceeding ten rupees for any one such offence.

## CHAPTER IV.

### *Funds.*

Commissioners to meet cost of fire-brigade.

23. The Commissioners shall pay to the Commissioner of Police half-yearly, in the months of May and November, such sums as are required to meet the cost of the fire-brigade as appear in the budget of the Commissioner of Police, and in such proportion, respectively, as the Local Government shall, from time to time, prescribe.

Cost of fire-brigade how to be met.

24. The Commissioners shall rateably impose the annual fees payable for licenses under section ten of this Act upon all warehouses, and shall appropriate towards the cost of the fire-brigade the amount derived from such annual fees, and all penalties and fines imposed and all rates levied under this Act.

Rates may also be levied to provide for cost of fire-brigade.

25. (*1*) The Commissioners may, for the purpose of further providing the cost of the fire-brigade, levy the following rates :—

(*a*) a rate not exceeding two and-a-half per centum on the annual value, as it is assessed to the payment of municipal taxes, on any building or place used for the storage of any other inflammable substance or thing not specifically mentioned in clause (*8*) of section three of this Act, which the Local Government may, by a notification to be published in the Calcutta Gazette, declare to be liable for the payment of such rate:

Provided that the rate payable by any owner or occupier in respect of any building or place under this clause shall not exceed one hundred rupees;

(*b*) a rate not exceeding one-half per centum on the annual value, as it is assessed to the payment of municipal taxes, on all basti lands with the huts, if any, upon them;

(*c*) a general rate not exceeding one-eighth per centum on the annual value of all houses and lands assessed under the provisions of the Bengal Municipal Act, 1884, and the Calcutta Municipal Consolidation Act, 1888.

(*2*) Any building or place in respect of which a license has been granted under this Act as a warehouse, or which has been assessed under clause (*a*), and any basti land assessed under clause (*b*), shall be exempt from further assessment under clause (*c*).

Commissioner of Police to prepare annually budget or estimate of receipts and expenditure of fire-brigade.

26. (*1*) The Commissioner of Police shall prepare annually in or before the month of February a budget or estimate of the receipts and expenditure of the fire-brigade for the year commencing on the 1st of April next ensuing, and shall distinguish in the receipts of such budget the proportionate sums to be contributed by the several municipalities to which this Act extends or shall hereafter be extended; and shall also show any balance of receipts remaining unexpended, after providing for any legitimate charge against the funds of the fire-brigade, and in like manner, if there be a deficit, shall show such deficit at the close of the previous year, and such credit or debit balances shall be taken into account by the Local Government in fixing the sum to be annually contributed by the municipalities concerned under this Act.

(*2*) Such budget shall be laid before the Commissioners at a meeting, and shall be forwarded by them to the Local Government with such remarks as they shall think fit to record; and it shall be within the discretion of the Local Government to pass, modify or reject the estimates of all or any sums entered in such budget.

Sums to be appropriated as an asset of Fire-brigade Fund.

27. Any sum standing at the credit of the Jute Warehouse Fund of the municipalities abovenamed, or at the credit of any fund appropriated to

the maintenance of the fire-brigade under the provisions of Act IV of 1883 at the time when this Act comes into force, shall be appropriated as an asset of the Fire-brigade Fund under this Act:

Mode of recovery of rates levied under section 25.

28. The provisions of the Bengal Municipal Act, 1884, and the Calcutta Municipal Consolidation Act, 1888, relating to the recovery of rates levied under those Acts, respectively, shall, so far as they are consistent with this Act, apply to the recovery of rates levied under section twenty-five of this Act:

Provided that the rates levied under this Act in Calcutta shall be included with the four rates mentioned in section one hundred and one of the Calcutta Municipal Consolidation Act, 1888, as one consolidated rate.

Local Government to fix proportionate liability for cost of fire-brigade to be borne by Commissioners.

29. The Local Government may fix the proportionate liability for the cost of the fire-brigade to be borne by the Commissioners of the municipalities to which this Act applies or may hereafter be extended, and may from time to time alter the proportions in which the Commissioners of any or all the municipalities, for the time being subject to the operation of this Act, are liable for the payment of the said sum.

## CHAPTER V.

### *Fire-brigade.*

Commissioner of Police to maintain fire-brigade for municipalities.

30. The Commissioner of Police shall maintain an efficient fire-brigade for the municipalities or such portions thereof that are for the time being subject to the operation of this Act.

Power of Local Government to make orders with respect to fire-brigade.

31. (*1*) The Local Government may from time to time make, and when made alter or repeal, such general or special orders as it may think fit—

for appointing or removing any member or officer of the force;

for furnishing the fire-brigade with such fire-engines, fire-escapes, horses, accoutrements, equipments, tools and implements, as it may think proper;

for building or providing stations, or hiring places for the keeping of the force, engines, horses and appurtenances;

for giving gratuities to persons who have given notice of fires and to those who have rendered effective service to the brigade, on the occasion of fires;

for the training, discipline, good conduct, salaries and pensions of the members of the force;

for the speedy attendance of such members with engines and all necessary implements on the occasion of any alarm of fire;

for sending the force, engines and appurtenances beyond the limits of the area to which this Act extends, in order to extinguish fire in the neighbourhood of the said limits;

for imposing and summarily realizing a fine not exceeding one week's wages from any member of the brigade who may infringe these orders, and,

generally, for the maintenance of the fire-brigade in a due state of efficiency.

(*2*) Such orders shall be published in the Calcutta Gazette and shall take effect from the date of such publication.

Commissioner of Police, &c., may exercise certain powers on occasion of a fire.

32. (*1*) On the occasion of a fire, the Commissioner or Deputy Commissioner of Police, or the Chief or other Officer in charge of the fire-brigade on the spot, may—

(*a*) remove, or may order any member of the brigade to remove, any persons who by their presence interfere with the due operations of the brigade;

(*b*) by himself or by his men break into or through, or pull down, any premises for the purpose of putting an end to the fire, doing as little damage as possible;

(*c*) cause the mains and pipes of any district to be shut off, so as to give greater pressure of water in the place where the fire has occurred;

(*d*) call on the officer in charge of the Port Commissioners' fire-engine to render such assistance as may be possible, in the case of any fire occurring near the river bank, and,

(*e*) generally take such measures as may appear necessary for the preservation of life and property.

(*2*) The Commissioner or Deputy Commissioner of Police, or the Chief Officer on the spot in charge of the brigade, may verbally nominate and depute one or more officers of the brigade to act at a distance; and such officer or officers shall have for the time being the like powers as the Chief Officer himself possesses under this section.

Police-officers to aid fire-brigade in execution of its duties.

33. Police-officers of all grades shall be authorized to aid the fire-brigade in the execution of its duties. They may close any street in or near which a fire is burning, and they may, of their own motion or on the request of the Chief or other Officer of the fire-brigade, remove any persons who interfere by their presence with the operations of the fire-brigade.

Non-liability of police-officer, &c., to damages.

34. No officer of the police or of the fire-brigade shall be held liable to damages on account of any act done by him in the *bonâ fide* belief that such act was required in the proper execution of his duties.

Chief Officer of brigade to enquire into origin of fire and to make report to Magistrate.

35. (*1*) In the case of any fire occurring within the area to which this Act applies, the Chief Officer of the fire-brigade shall ascertain the facts as to the origin and cause of such fire, and shall make a report thereon to the Magistrate having jurisdiction in the place in which such fire shall have occurred; and the said Magistrate, in any case where he may see fit, shall summon witnesses and take evidence in order to the further ascertainment of such facts.

(*2*) Copies of all reports and of all evidence recorded under this section shall be furnished on application to any Fire Assurance Company or other person interested, on payment of the fees payable for the copies of judicial proceedings.

## CHAPTER VI.

### *Fireworks, &c.*

Penalty for letting off rockets, &c., and selling fireworks without license.

36. (*1*) Whoever within the area to which this Act applies, or to which it may hereafter be extended, shall let off rockets or send up fire-balloons without a license from the Commissioner of Police, and whoever shall sell fireworks without a license from the Commissioner of Police, for which a yearly fee not exceeding ten rupees shall be payable, shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty rupees for every such offence.

(*2*) All such fees received by the Commissioner of Police shall be applied by him towards the maintenance of the fire-brigade.

Power of Commissioner of Police to withdraw or suspend license.

37. The Commissioner of Police may, at his discretion, withdraw or suspend any license granted by him under the last preceding section :

Provided that a license to sell fireworks shall not be withdrawn or suspended except after thirty days' notice.

Magistrate of Howrah to exercise certain powers of Commissioner of Police.

38. The powers conferred on the Commissioner of Police in respect to Calcutta and the Suburbs by the two last preceding sections, shall be exercised in the municipality of Howrah by the Magistrate of the district, or the officer in charge of the current duties of the Magistrate's office.

Penalty on house-holder for allowing rockets, &c., to be let off within premises without express permission.

39. In the event of any rockets being let off or fire-balloons sent up, within the precincts of any private premises or compound without the express permission in writing of the Commissioner of Police or the Magistrate or officer as aforesaid, as the case may be, the owner or occupier, or person under whose immediate control the said premises or compound is, shall be liable to a fine not exceeding fifty rupees, unless he can prove that the offence was committed without his knowledge.

## CHAPTER VII.

### *Miscellaneous.*

Local Government may declare other building or place to be a warehouse.

40. The Local Government may, on the recommendation of the Commissioners in meeting, declare that any building or place used for the storing, or pressing, or keeping of any inflammable substance or thing other than those specified in clause (*8*) of section three of this Act shall be a warehouse within the meaning of, and be subject to the operation of, this Act.

Report respecting licenses for warehouses, &c., to be submitted to Local Government.

41. (*1*) The Commissioners of the several municipalities to which this Act extends shall submit a report to the Local Government once a year, at such time as the Local Government shall direct, giving a statement of account of receipts and disbursements, and showing how the provisions of this Act have been carried out, and specifying the warehouses in respect of which licenses have been granted.

(*2*) The Commissioner of Police shall make a similar report, showing the constitution, assets and the working of the fire-brigade during the year, the receipts and expenditure in respect thereof and the proceedings taken by him under sections thirty-six and thirty-seven of this Act.

(*3*) Such reports shall be forthwith published in the Calcutta Gazette.

Police officer may arrest offenders under section 36 and convey them before Magistrate.

42. Any person committing any offence in respect of which a penalty is provided by section thirty-six of this Act may, if his name and address be unknown, be arrested by any officer of police and forthwith conveyed before a Magistrate having jurisdiction in the place in which such offence has been committed, or shall be taken to the nearest police-station within the said jurisdiction, in order that such person may be detained until he can be brought before a Magistrate, or until he shall enter into a recognizance with or without sureties for his appearance before a Magistrate.

43. Whenever such person shall be taken to a police-station, the officer in charge of such station shall, as soon as possible, but in every case within twenty-four hours, cause him to be conveyed before a Magistrate having jurisdiction in the matter.

Time within which offenders should be conveyed before Magistrate.

44. Every license granted under Chapter II of this Act shall, as far as possible, be in the form of the Schedule to this Act annexed.

Form of license for warehouse.

45. (*1*) Nothing in this Act shall be deemed to apply to buildings or places wherein small quantities of jute, cotton, resin, varnish, pitch, tar, hay, straw, rags, tallow, wood or other inflammable substance or thing for the time being subject to the operation of this Act are deposited.

Act not applicable to buildings where small quantities of jute, &c., are deposited.

(*2*) The Local Government may from time to time declare, by notification in the Calcutta Gazette, what quantities of jute, cotton, resin, varnish, pitch, tar, hay, straw, rags, tallow, wood or other inflammable substance or thing as aforesaid, shall be deemed to be small quantities within the meaning of this section.

46. Sections three hundred and forty-seven of the Calcutta Municipal Consolidation Act, 1888, and two hundred and sixty-one of the Bengal Municipal Act, 1884, are hereby repealed, in so far as they entitle the Commissioners to levy fees in respect of premises licensed as depôts for hay, straw, wood, rags, jute or other dangerously inflammable material which are licensed and used as warehouses under this Act.

Repeal of sections 347 of Act II of 1888 and 261 of Act III of 1884.

46A —

## SCHEDULE.

(*Referred to in section* 44.)

License under Bengal Act of 18

No. of 18

The Corporation of Calcutta (or the Municipal Commissioners, *as the case may be*) hereby grant unto this license under Bengal Act of , to store (or press and keep) jute (or

cotton, resin or other inflammable substance or thing, *as the case may be*) in building or place, No. or Nos. , Calcutta (or No. or Nos. , Howrah, *as the case may be*), subject to the conditions noted on the back, and they hereby acknowledge to have received the sum of Rs. , being the license fee due by the said from to 189 in respect of the aforesaid premises, at the rate of Rs. per annum.

Name of owner

Name of occupier

*Secretary to the Corporation*
*(or to the Municipal Commissioners).*

The day of

*(On the back of* ~~*Schedule.*~~ license*)*

CONDITIONS.

(1) The warehouse or warehouses in respect of which this license is granted shall at all times be open to the inspection of an officer appointed by the Commissioner of Police as provided by section eight of the Licensed Warehouse and Fire-brigade Act, 1893.

(2)* The annual fee imposed in respect to this license shall be payable (~~*here state annual or other dates for payment of license fee*~~). in act 4.

W. M. D'C.—Reg. No. 2790—2,500—5-7-93.